

Appl. No. 09/603,219
Amdt. Dated April 13, 2005
Reply to Office Action of February 8, 2005

Attorney Docket No. 81800.0128
Customer No.: 26021

REMARKS/ARGUMENTS

Claims 1-23 remain in this application. Claims 1, 3-4, 9-12, 14-15 and 22-23 have been amended. It is believed that no new matter is involved in the amendments or arguments presented herein. Reconsideration and entrance of the amendment in the application are respectfully requested.

Allowable Subject Matter

On p. 7 of the Specification, the Office states that claims 3-8, 10, 11, 14, 15, 18, 19, 22 and 23 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. In response, claims 3, 4, 10, 11, 14, 15, 22 and 23 have been rewritten in independent form including all the limitations of the base claim and any intervening claims. Withdrawal of the objection and allowance of claims 3, 4, 10, 11, 14, 15, 22 and 23 is respectfully requested.

Claims 5 and 7 depend from rewritten independent claim 3, which is an allowable base claim. Claims 5 and 8 depend from rewritten independent claim 4, which is an allowable base claim. Claims 18 and 19 depend from rewritten independent claims 14 and 15, respectively, which are allowable base claim. Since claims 5, 6, 7, 8, 18 and 19 all depend from an allowable base claims, withdrawal of the objections and allowance of these claims is respectfully requested.

Claim Rejections-35 U.S.C. § 102

Claims 1, 2, 9, 12, 13, 16, 17, 20 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Shaffer et al. (USPN 6,373,940). Claims 1, 9 and 12 are amended. Applicant respectfully traverses the rejection as to the amended claims.

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The present application is generally directed to communication systems and devices and methods of operating communication systems and devices.

As defined by amended independent Claim 1, a communication system including at least one communication device, each of which stores a first set of data and generates a response upon receiving data or instructions, and a second device connected to each of the at least one communication device over a computer network. The second device includes a transmission unit that transmits replacement data to at least one of the at least one communication device via the computer network. The second device transmits an overwrite instruction to the at least one communication device via the computer network. Claim 1 has been amended such that the second device re-transmits the same overwrite instruction to the at least one communication device via the computer network if the response is not received by the second device. Each of the at least one communication device includes a storage unit capable of storing the first set of data, a reception unit that receives said replacement data, and an overwriting unit that writes the replacement data over the first set of data.

Applicant respectfully submits that Shaffer et al. do not disclose or suggest the above features of the present invention as defined by amended independent Claim 1. In particular, the applied references do not disclose or suggest, "wherein the second device re-transmits the same overwrite instruction to the at least one communication device via the computer network if the response is not received by the second device," as required by amended independent Claim 1.

Shaffer, et al. is directed to a communication system for transmitting address changes. (Abstract, Shaffer). In one embodiment of Shaffer, the destination telephones or PBXs are equipped with a processing unit that is programmed to recognize the message as a new number message and to read from the message the

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old telephone number and the new telephone number. (Shaffer, 3:12-16). After reading the new number message, the destination telephone updates its speed dial memory 74 or record in the database 76 with the new telephone number. (Shaffer, 3:16-19). An acknowledge signal is sent back from the destination telephone 70 or PBX 72 to the source telephone 50 or PBX 52 indicating that the new number message has been read and the record of the sending telephone's number has been updated. (Shaffer, 3:24-28). Those telephones not providing an acknowledge signal are subsequently sent a different overwrite instruction in that Shaffer teaches that the telephone may be dialed and played an audio message that indicates the number of the source telephone has been changed. (Shaffer, 3:31-34).

In contrast, the present invention discloses that the replacement data transmission procedure executed by the client computer is arranged such that the same overwrite instruction is re-sent or re-transmitted to the facsimile machine if the response, indicating whether or not a specified facsimile machine is able to overwrite data, is not received. (See *Specification, Page 7, lines 16-19*).

Since the applied references fail to disclose, teach, or suggest the above features as recited in amended independent Claim 1, those references cannot be said to anticipate nor render obvious the invention which is the subject matter of amended independent Claim 1.

Accordingly, amended independent Claim 1 is believed to be in condition for allowance and such allowance is respectfully requested.

The Applicant respectfully submits that amended independent Claims 9 and 12 are patentable over the applied references for at least the same reasons as those discussed above with reference to amended independent Claim 1.

The remaining Claims 2, 13, 16, 17, 20 and 21 depend either directly or indirectly from amended independent Claims 1, 9, and 12 and recite additional

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features of the invention which are neither disclosed nor fairly suggested by the applied references. Therefore, the remaining Claims 2, 13, 16, 17, 20 and 21 are also believed to be in condition for allowance and such allowance is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

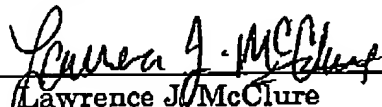
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: April 13, 2005

By: _____


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